

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1134

Wayne Nicolaison,

Appellant,

v.

David Rowley; David Dyson,

Appellees.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: May 6, 2002

Filed: May 7, 2002

Before LOKEN, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Wayne Nicolaison is an involuntarily committed person at the Minnesota Sexual Psychopathic Personality Treatment Center (“Center”). He brought the instant action, claiming a Center employee and an Assistant Attorney General violated the Fourth and Fourteenth Amendments by searching and seizing information from his personal computer and by using that information against him at a court proceeding.

The district court¹ denied Nicolaison's motion for a default judgment, and dismissed the action under Federal Rule of Civil Procedure 12(b)(6).

Upon de novo review, see Whitmore v. Harrington, 204 F.3d 784, 784 (8th Cir. 2000) (per curiam), we agree with the district court that Nicolaison failed to state either a Fourth or Fourteenth Amendment claim. We also find that the district court did not abuse its discretion in denying Nicolaison's motion for a default judgment. See Harris v. St. Louis Police Dep't, 164 F.3d 1085, 1086 (8th Cir. 1998) (per curiam).

Accordingly, the judgment of the district court is affirmed. See 8th Cir. R. 47B. We deny as moot Nicolaison's motion for leave to appeal in forma pauperis because the district court already granted him such leave.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

¹The HONORABLE RICHARD H. KYLE, United States District Judge for the District of Minnesota, adopting the report and recommendations of the HONORABLE JOHN M. MASON, United States Magistrate Judge for the District of Minnesota.